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17 February 2000

ORIGINAL: ENGLISH

LETTER DATED 15 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE
OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit herewith the English translation of a note verbale dated 23 January 2000 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Hadi NEJAD-HOSSEINIAN
Ambassador
Permanent Representative

Annex

Note verbale dated 23 January 2000 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Republic of Iraq in Tehran and has the honour to state the following:

According to the report received from the concerned authorities of the Islamic Republic of Iran, an armed group consisting of terrorist elements belonging to the MKO - authorized currently by the Iraqi Government to station in Iraq - infiltrated territory of the Islamic Republic of Iran in the Ilam region. On their way back to Iraqi territory, they fired upon the villagers of Chalsarab, murdering three villagers and injuring five more.

While strongly protesting against the above-mentioned hostile operation, the Government of the Islamic Republic of Iran holds the Government of the Republic of Iraq responsible for the adverse consequences of such acts resulting from the provision of sanctuary to terrorists of the MKO on Iraqi soil and the creation of favourable grounds for them to organize armed terrorist and sabotage activities against the Islamic Republic of Iran, thus contravening international norms and principles as well as the Charter of the United Nations. The Islamic Republic of Iran, while respecting Iraq's territorial integrity and the principles of good-neighbourly relations, reserves its right to legitimate self-defence.

The Government of the Islamic Republic of Iran hopes that the Government of the Republic of Iraq understands the current situation and the impact of the normalization of bilateral relations on furthering peace and stability in the region and restoring security and mutual confidence along the common border, and will take serious and effective measures aimed at putting an end to these sorts of operations.



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OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit, herewith, the English translation of a note verbale dated 25 January 2000 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Hadi NEJAD-HOSSEINIAN
Ambassador
Permanent Representative



Annex

Note verbale dated 25 January 2000 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Republic of Iraq in Tehran and has the honour to state the following.

According to the reports submitted by the relevant authorities of the Islamic Republic of Iran:

1. On 11 December 1999, at 1300 hours, the terrorist organization of Mojahedin Khalq (harboured by the Government of Iraq and intended to engage in disruptive and sabotage acts against the Islamic Republic of Iran) launched 12 rounds of 82 mm mortar attacks towards one of the sentry border posts of the Islamic Republic of Iran located in the Dehloran district from around the GCs of 17500-98000 on the map of the Anbar river at the common border.
2. On 27 December 1999, at 0100 hours, nine blasts occurred around the GCs of 54000-20000 on the map of Ghasr-e shirin. Investigations revealed that the blasts were as a result of 120 mm mortar attacks launched across the border from Iraqi territory.
3. On 27 December 1999, from 0145 to 0200 hours, 24 rounds of 82 mm mortar attacks were fired from the Iraqi city of Mandali into Iranian territory, hitting the Mian Tang and Band Pirali areas and the vicinity of the town of Soomar.
4. Two operational teams, each consisting of three terrorist elements belonging to the MKO, who had been dispatched to the Soomar and Ghasr-e shirin regions from the Jelolaa operational base in Iraq with a view to committing sabotage acts, first fired, on 27 December 1999, at 0215 hours, eight rounds of 82 mm mortar shells in Soomar area, and then, on the same day, at 0230 hours, launched 12 rounds of 82 mm mortar shells in the Ghasr-e shirin area, Sarpol Zohab-Ghasr-e shirin access.
5. On 27 December 1999, the MKO terrorist group targeted the town of Ghasr-e shirin by firing nine rounds of 120 mm mortars.

While strongly protesting against the above-mentioned hostile operations, the Government of the Islamic Republic of Iran holds the Government of the Republic of Iraq responsible for the adverse consequences of such acts resulting from the provision of sanctuary to the terrorists of the MKO on Iraqi soil and the creation of favourable grounds for them to organize armed terrorist and sabotage activities against the Islamic Republic of Iran, thus flagrantly contravening the international norms and principles and the Charter of the United Nations.

This is to reiterate that the continuation of such intrusions will cause irreparable damage to bilateral relations. Therefore, the Government of the Islamic Republic of Iran, while respecting the territorial integrity of the Republic of Iraq and the principles of good-neighbourly relations, considers the continuation of the above hostile acts to be unbearable and reserves its legitimate right to self-defence and removal of any threat.



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LETTER DATED 15 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE
OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit, herewith, the English translation of a note verbale dated 22 January 2000 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Hadi NEJAD-HOSSEINIAN
Ambassador
Permanent Representative

Annex

Note verbale dated 22 January 2000 from the Ministry of Foreign
Affairs of the Islamic Republic of Iran addressed to the Embassy
of the Republic of Iraq in Tehran

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Republic of Iraq in Tehran and has the honour to state the following.

According to the report received from the relevant Iranian authorities, four armed individuals aboard one grey-coloured Iraqi vessel, having infiltrated the internal waters of the Islamic Republic of Iran (near to the Bahmanshir river), beat the occupants of an Iranian fishing boat and stole all their effects, as well as the vessel's motor.

This is to recall that, with regard to similar cases, the Government of the Islamic Republic of Iran has repeatedly conveyed, by the means of notes verbale, as well as in the course of bilateral meetings between the concerned officials of the foreign ministries of the two countries, its deep concern to the authorities of the Republic of Iraq regarding intensification of such attacks and their resulting adverse consequences. However, despite the continuous efforts made by the Islamic Republic of Iran to removing tension and restore security and peace in the region - to the point of even sometimes overlooking the illegal entry of Iraqi fishermen into its waters - regrettably, the Government of Iraq has so far failed to adopt any serious and effective measures to prevent the recurrence and continuation of such attacks.

The Government of the Islamic Republic of Iran, once again, strongly protests against these sorts of attacks and, while warning against the consequences of continuation of such acts, holds the Government of the Republic of Iraq responsible for any adverse resulting consequences.



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17 February 2000
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 16 FEBRUARY 2000 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF PORTUGAL TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to bring to your attention the statement on the presidential elections in Senegal issued on 14 February 2000 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Nuno BRITO
Chargé d'affaires a.i. of the
Permanent Mission of Portugal
to the United Nations



Annex

[Original: English and French]

Statement on the presidential elections in Senegal issued on
14 February 2000 by the Presidency of the European Union on
behalf of the European Union

Senegal is preparing for presidential elections in the year 2000, to be contested by eight candidates – a testimony to the vitality of the country's pluralist democracy.

The European Union welcomes the tradition and democratic zeal of Senegalese society, calls on all the parties concerned to ensure that, at all stages, the electoral process is conducted in a fair, transparent and peaceful manner and would encourage them to demonstrate a spirit of dialogue, understanding and tolerance.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the European Free Trade Association countries members of the European Economic Area align themselves with this statement.



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ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION
CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. By its resolution 1282 (1999) of 14 December 1999, the Security Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 29 February 2000 in order to complete the identification of voters, issue a second provisional voter list and initiate appeals for tribal groupings H41, H61 and J51/52. The Council requested me to report before the end of the present mandate on prospects for progress in implementing the United Nations settlement plan (S/21360 and S/22464 and Corr.1) within a reasonable period of time, pursuant to the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, James A. Baker III (S/1997/742, annexes I-III), and to the United Nations package of measures (S/1999/483/Add.1).

2. The present report is submitted pursuant to Security Council resolution 1282 (1999). It covers developments since my previous report to the Council, dated 6 December 1999 (S/1999/1219).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

3. My Special Representative, William Eagleton, pursued consultations with the parties in order to seek ways of moving the process forward, in particular with respect to the new round of appeals following the issuance of the second part of the provisional voter list on 17 January (see sect. A below) and to the preparatory work for the repatriation of Saharan refugees. To that end, my Special Representative met with the Moroccan Secretary of State for Foreign Affairs, Taieb Fassi Fihri, at Rabat on 21 December 1999, with Foreign Minister Mohamed Benaissa and Interior Secretary of State Fouad El Himma on 11 January 2000 and again with Mr. Benaissa and Mr. Fassi Fihri on 31 January. He met with Frente POLISARIO Secretary-General Mohamed Abdelaziz and with the Frente POLISARIO Coordinator with MINURSO, Emhamed Khaddad, at Tindouf, Algeria, on 27 January, and again with Mr. Khaddad in New York on 6 February.

4. The Frente POLISARIO continued to express its concern over delays resulting from the large number of appeals expected from the second part of the provisional voter list, in addition to the 79,000 appeals from the first part issued on 15 July 1999. It urged a strict interpretation of the admissibility procedures (S/1999/483/Add.1, pp. 13-14) so as to reduce the time needed to complete the appeal process. For their part, the Moroccan authorities reiterated the right of every applicant to appeal by presenting witnesses who could provide new information to support his or her inclusion in the voter list.

5. Following the release of the second part of the provisional list on 17 January, the Moroccan authorities expressed surprise and dismay at the small number of applicants found to be eligible. They emphasized the importance of an appeal process in which all Saharans rejected by the MINURSO Identification Commission are given the opportunity to restate their case. Moroccan officials questioned again the impartiality and objectivity of Identification Commission members and warned that the referendum would not be held if any person originating from the Sahara were denied the right to participate. At the same time, the Frente POLISARIO warned against any attempt to delay the referendum and called for the speedy implementation of the United Nations settlement plan. Frente POLISARIO officials expressed the view that, if the process is delayed much longer, the presence of MINURSO would become irrelevant and there could be a return to armed hostilities. During consultations with me at Headquarters on 7 February, Mr. Abdelaziz reiterated the concerns of the Frente POLISARIO about the delays in the implementation process.

A. Identification and appeals

6. The identification of individual applicants from the H41, H61 and J51/52 tribal groupings, which began on 15 June 1999, was completed by MINURSO on 30 December as scheduled, with 51,220 interviewed. This brings the number of applicants interviewed since the identification process began in 1994 to an overall total of 198,469. The second round of the appeal process was launched by the Identification Commission on 17 January, when the second part of the provisional list of applicants eligible to vote was communicated by my Special Representative to the two parties. That second part contained the names of 2,135 applicants out of 51,220 interviewed from tribal groupings H41, H61 and J51/52. With the 84,251 eligible applicants whose names are contained in the first part of the provisional voter list issued on 15 July 1999 (out of 147,249 from Saharan tribes other than those three groupings), this brings the number of applicants found eligible to vote to a total of 86,386. In accordance with the MINURSO appeal procedures (S/1999/483/Add.1), all those excluded from the provisional voter list have the right to appeal, while those found eligible can also challenge the inclusion of others.

7. Appeal centres have been opened by MINURSO in the Territory (Boujdour, Dakhla and Laayoune), in the Tindouf area of Algeria (Camp Smara), in Morocco (Assa, Goulimine, Rabat, Tan Tan, Taroudant, Tata and Zagora) and in Mauritania (Nouadhibou and Zouerate) to receive appeals from tribal groupings H41, H61 and J51/52. As at 11 February, 29,690 appeals had been received, with 22,065 applicants having visited the centres, including 3,876 who had access to their identification files and 18,556 who were provided with file transcripts. As was

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already the case in the first round of appeals (S/1999/1219, para. 9), most have been filed to date under article 9.1 (iii) of the appeal procedures (S/1998/483/Add.1) by applicants who, on the basis of their interviews, did not meet the eligibility criteria and were therefore excluded from the second part of the provisional voter list. No appeal has yet been filed under article 9.2 of the appeal procedures, challenging another applicant's inclusion in the list.

8. While still engaged in the receipt of appeals from tribal groupings H41, H61 and J51/52, the Identification Commission has almost completed the necessary data-processing and related technical work with respect to the 79,000 appeals received from the first part of the provisional voter list, issued on 15 July 1999.

B. Prisoners of war

9. On 26 January 2000, the Government of Morocco informed the International Committee of the Red Cross (ICRC) in writing that it was prepared to receive all the Moroccan prisoners of war listed in the document presented by the Frente POLISARIO to my Special Representative on 23 November 1999 (see S/1999/1219, para. 12). My Special Representative was subsequently informed by ICRC that it was proceeding with the necessary arrangements in consultation with the parties.

C. Military aspects

10. As at 17 February 2000, the strength of the military component of MINURSO stood at 230, all ranks (see annex). Under the command of General Claude Buzé (Belgium), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remained generally calm and there have been no indications that either side intends to resume hostilities in the near future. Progress continued in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of mines and unexploded ordnance and the related exchange of detailed information. The Frente POLISARIO forces and the Royal Moroccan Army conducted a total of seven operations for the disposal of explosives and ammunition during the reporting period.

D. Civilian police aspects

11. During the reporting period, the civilian police component of MINURSO assisted the Identification Commission at identification centres until the end of December 1999 and has assisted at appeal centres since 17 January 2000. The current strength of the component stands at 81 civilian police officers, who are under the command of the Police Commissioner for MINURSO, Inspector General Om Prakash Rathor (India).

E. Preparatory work for the repatriation of Saharan refugees

12. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR), in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees, as provided for under the United Nations settlement plan. UNHCR consolidated its presence in the mission area by assigning additional personnel to Laayoune and Tindouf.

13. UNHCR completed its pre-registration exercise to ascertain the refugees' willingness to repatriate and to determine their final destinations in the Territory. This brings the number of refugees pre-registered since the exercise was initiated in August 1997 to a total of 107,149. This figure includes only those refugees whose eligibility to vote has been determined by MINURSO and their immediate families. During the exercise, the overwhelming majority consistently expressed their desire to repatriate only to the area of the Territory east of the berm, irrespective of their place of origin in the Territory.

14. Consultations were pursued with the parties by my Special Representative and UNHCR to initiate cross-border confidence-building measures, including family visits, pursuant to Security Council resolution 1282 (1999). However, no progress was made in this regard because the Frente POLISARIO continued to express concerns in the absence of security guarantees in the area of the Territory west of the berm and, although initially welcoming the proposed confidence-building measures, the refugees in the Tindouf camps also remained concerned for their safety and security.

III. ASSESSMENT OF PROGRESS AND PROBLEMS
IN THE IMPLEMENTATION PROCESS

15. In its resolution 1282 (1999), the Security Council requested me to report on prospects for progress in implementing the settlement plan within a reasonable period of time. In this context, it may be useful to recall the main provisions of the plan (see S/21360, para. 47). During the transitional period, the United Nations, in cooperation with the Organization of African Unity, is to have sole and exclusive responsibility over the organization and conduct of a referendum in the Territory, to enable the people of Western Sahara to choose freely, without administrative or military constraints, between independence and integration with Morocco. To this end, there is to be a ceasefire followed by an exchange of prisoners of war, a reduction in the number of Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations. In order to ensure that the necessary conditions exist for the holding of a free and fair referendum, the United Nations is to monitor other aspects of the administration of the Territory, especially the maintenance of law and order. Following the proclamation of an amnesty, Saharan political prisoners are to be released. All laws or regulations that might impede the holding of a free and fair referendum are to be suspended as deemed necessary. Following the promulgation of a general and complete amnesty for all refugees and others outside the Territory who wish to return, they will be enabled to do so by the United Nations after it has established their right to vote. The

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cooperation of the two parties and of the two neighbouring countries, Algeria and Mauritania, is considered an essential condition for the implementation of the settlement plan (see S/22464, para. 55).

16. Under the settlement plan, the transitional period was to begin with the coming into effect of the ceasefire on 6 September 1991 ("D-Day"), and was to end with the proclamation of the results of the referendum, originally scheduled for January 1992. However, the transitional period has been repeatedly postponed as a result of protracted delays in the preparatory work of MINURSO, caused essentially by differences between the parties, as well as disagreements with the United Nations, over the interpretation and implementation of key provisions of the settlement plan.

17. Shortly after the establishment of MINURSO in April 1991, it became clear that, notwithstanding the parties' earlier acceptance of the settlement plan, substantial differences remained. Following two unsuccessful rounds of consultations between the United Nations and the two parties in 1991, the issue of the designation of locations for the confinement of Frente POLISARIO troops was finally settled under the Houston accords of 1997 (see S/1997/742, annexes I-III), when the two parties, as well as Algeria and Mauritania, agreed to a compromise formula put forward by my Personal Envoy (S/1997/742, annex II). However, with respect to the return of Saharan refugees and the establishment of the electorate, some major issues have remained unresolved to this day.

18. As the members of the Security Council are well aware, the establishment of the electorate was impeded throughout the 1990s by successive deadlocks over the issue of identifying those Saharans who would have the right to vote in the referendum. The Frente POLISARIO maintained at the outset that, under the settlement plan, only the 74,000 people counted in the 1974 Spanish census of the Territory should take part in the referendum. Morocco held the opposite view, namely, that thousands of additional Saharans were equally qualified to vote, including those who were in the Territory at the time of the census but had not been counted, those who had fled to Morocco in previous years and those from regions that were formerly part of the Territory but were then retroceded by Spain to Morocco in the 1950s and 1960s (and are now part of southern Morocco).

19. Against this background, Secretary-General Javier Perez de Cuéllar established, in December 1991, a set of criteria for determining eligibility to vote in the referendum (S/23299, annex), with due regard to the persons counted in the 1974 census as well as to others, whether residing inside or outside the Territory, who claim the right to vote on the grounds that they are Western Saharans and were omitted from that census. The eligibility criteria, which include family and residential links to the Territory, provoked considerable concern on the part of the Frente POLISARIO, which maintained its objection to the participation in the referendum of any persons other than those from the 1974 census list and their immediate families.

20. With a view to breaking the resulting deadlock, prolonged consultations were held by the United Nations with the two parties on the interpretation and application of the voter eligibility criteria and on a compromise proposal to that effect put forward by my predecessor in June 1993 (S/26185, annex I). The

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deadlock was not broken until 1994, when both parties agreed to proceed on the basis of the compromise proposal, albeit with serious reservations, in particular over provisions related to tribal links with the Territory and to documentary evidence or oral testimony in support of the applicants' claims. While Morocco was concerned that applicants who were outside the Territory during the 1974 census but who are nonetheless members of a Saharan tribe of the Territory might be arbitrarily excluded, the Frente POLISARIO was concerned that applicants foreign to the Territory might be fraudulently included in the electorate. The United Nations indicated that it would see to it not only that all potential voters were authentic Saharans, but also that they belonged to the Territory (see S/1994/283, annex II).

21. The subsequent launching of the simultaneous identification operations in Western Sahara and the Tindouf refugee camps in August 1994 constituted a significant step forward. However, this unprecedented process, already quite complex and painstaking in itself, was beset with difficulties from the outset. These ranged from adverse weather conditions and logistical problems to the recurrent unavailability of observers of the two parties and of tribal leaders (sheikhs - one from each side, as was agreed with the parties) called upon to testify at every identification session. At the same time, the parties imposed limits on the number of applicants to be identified on any given day. Both parties also insisted that if, for any reason, identification was stopped at a centre on one side, then, as a matter of reciprocity, it must also be stopped at a centre on the other side. From the start, the single greatest obstacle to identification had been the issue of tribal leaders designated to testify, over which the two parties had markedly divergent views. A formula to address this problem was eventually devised by MINURSO and accepted by both parties in early 1995 (see S/1995/240). However, the process experienced further delays and interruptions as a result of the disagreement of the Frente POLISARIO with the interpretation and implementation of some provisions of the formula and the difficulty of providing the sheikhs required for the identification of certain tribes.

22. In June 1995 a Security Council mission to the region impressed upon the parties the need to cooperate fully with MINURSO. The mission called upon the parties not to limit the number of persons to be identified on any given day and to abandon their insistence on reciprocity in the number and operation of identification centres on each side. The mission also called upon Morocco to conduct a preliminary vetting of some 100,000 applications from persons residing outside the Territory to ensure the timely completion of the identification process (see S/1995/498). However, the Moroccan authorities were unwilling to initiate a preliminary vetting on the grounds that this might deny the right of authentic Saharans to apply for participation in the referendum. The Frente POLISARIO suspended its participation in the identification process twice, protesting Morocco's position (S/1995/779, paras. 2 and 9). Despite repeated calls upon the parties by the Security Council and my predecessor to permit the process to advance more rapidly, the positions of the parties frustrated all such efforts, as both sides were reluctant to compromise on any issue that they believed would weaken their own position. By late 1995 the identification process ground to a halt when the Frente POLISARIO decided that it would not participate in the identification of the three tribal groupings categorized in the 1974 census as H41, H61 and J51/52 (see S/1995/779). Thus, while the early

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phase of the identification operation was in itself a significant achievement, MINURSO, confronted with the multiple constraints described above, was able to interview only about 60,000 applicants between August 1994 and December 1995.

23. Upon assuming my office on 1 January 1997, I considered how best to put the peace process in Western Sahara back on track. In that spirit, I appointed Mr. Baker, a former Secretary of State of the United States of America, as my Personal Envoy for Western Sahara to reassess the feasibility of implementing the settlement plan (S/1997/166). Following his exploratory mission to the region in April 1997 to assess the situation, my Personal Envoy informed me that neither party had indicated any willingness to pursue any political solution other than implementing the settlement plan. He believed that the only realistic way to assess the feasibility of implementing the plan would be by arranging direct talks between the parties (see S/1997/358).

24. During the ensuing four rounds of direct talks under the auspices of my Personal Envoy, agreement was reached by the parties on issues related to the identification process, among others (see S/1997/742, annexes I-III). These included a compromise formula for identifying individual applicants from among some 65,000 members of tribal groupings H41, H61 and J51/52 whose links with the Territory were contested by the Frente POLISARIO, as well as a set of practical measures for the resumption of the identification process. Under that compromise formula, the parties agreed that they would not directly or indirectly sponsor for identification applicants from those three tribal groupings other than those included in the 1974 census and their immediate family members, nor would the parties actively prevent individuals from such tribal groupings from presenting themselves. Agreement was also reached on a code of conduct to be observed during the referendum campaign, on a declaration by the parties relating to the authority of the United Nations during the transitional period and on a compromise formula for the confinement of Frente POLISARIO troops. The parties further reaffirmed their commitment to the provisions of the United Nations settlement plan for the return of refugees, as well as the release of prisoners of war and Saharan political detainees.

25. The Houston accords paved the way for the resumption of the identification process in December 1997. The resumption proceeded well and, unlike in the previous phase, operational problems were for the most part easily resolved. However, tensions between the parties soon arose again, and the process was mired by interruptions provoked by representatives of the two parties over perceived slights and accusations. Additional difficulties appeared when applicants belonging to the "contested" H41, H61 and J51/52 tribal groupings started presenting themselves for identification in large numbers.

26. While MINURSO eventually succeeded in interviewing more than 147,000 "uncontested" applicants by September 1998, their identification could not be completed as quickly as it should have, owing in particular to Morocco's insistence that the 65,000 applicants from tribal groupings H41, H61 and J51/52 be treated on an equal basis with those from any other Saharan tribe. Thus, the Moroccan authorities maintained that all 65,000 applicants had the right to be identified, while the Frente POLISARIO remained opposed to the identification of any applicants from those groupings other than those listed in the 1974 census and their immediate families.

27. Since the deadlock over the identification process was due primarily to the parties' inability to reach a compromise on the issue of tribal groupings H41, H61 and J51/52, I decided to propose a solution in order to move the process forward. To that effect, a United Nations package of measures was presented to the parties in October 1998, including protocols for the identification of individual applicants from the three groupings and, as a way of speeding up the process, the concurrent initiation of the appeals process for applicants identified between 1994 and 1998. A UNHCR draft protocol containing detailed provisions for the repatriation of Saharan refugees was submitted to the two parties and to Algeria and Mauritania in November 1998.

28. During my subsequent visit to the region in late 1998, the Frente POLISARIO formally accepted the proposed package, whereas the Moroccan authorities expressed their particular concern over the simultaneous implementation of the appeal and identification procedures. Following prolonged consultations between the parties and MINURSO as well as the Secretariat, a set of operational directives for the implementation of the identification and appeal procedures was developed, addressing some of the parties' concerns (S/1999/483/Add.1). Finally, in April and May 1999 the parties formally accepted the protocols and operational directives, albeit with reservations and misgivings for opposite reasons (S/1999/554 and S/1999/555). With the issuance of the first part of the provisional voter list, the appeal process was eventually launched, on 15 July 1999, six months after the time envisaged in the United Nations package of measures and 10 months after the conclusion of the identification of applicants from tribes other than the H41, H61 and J51/52 tribal groupings.

29. The completed pre-registration exercise for the repatriation of Saharan refugees points to serious problems ahead with regard to the possible places of return (see sect. E above). In addition, the two parties have yet to facilitate, in practical terms, the implementation of the cross-border confidence-building measures proposed by UNHCR in June 1999. Nor can the UNHCR draft repatriation protocol be concluded with the four parties to the protocol any time soon, given some fundamental differences over its main provisions.

IV. FINANCIAL ASPECTS

30. As indicated in my previous report to the Security Council (S/1999/1219, paras. 24 and 25), the General Assembly, by its resolution 53/18 B of 8 June 1999, appropriated the amount of \$52.1 million, equivalent to a monthly rate of some \$4.3 million, for the maintenance of MINURSO for the period from 1 July 1999 to 30 June 2000. I also obtained authorization from the Advisory Committee on Administrative and Budgetary Questions to enter into commitments in an amount of \$5.1 million to incur additional expenditure associated with the simultaneous conduct of the identification and appeal process. Therefore, should the Council approve my recommendation contained in paragraph 37 below with regard to the extension of the mandate of MINURSO, the cost of maintaining the Mission will be within the monthly rate approved by the General Assembly and the commitment authority granted by the Advisory Committee.

31. The total resources provided by the General Assembly for MINURSO since its inception amount to \$437.9 million, inclusive of the appropriation for the

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current financial period. As at 31 January 2000, unpaid assessed contributions to the MINURSO special account amounted to \$71.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,138.5 million.

V. OBSERVATIONS AND RECOMMENDATIONS

32. Almost nine years have elapsed since the establishment of MINURSO with the aim of holding a referendum of self-determination in Western Sahara. Yet, in spite of the considerable efforts exerted by MINURSO under successive Special Representatives, it has not been possible during this period to implement in full any of the main provisions of the United Nations settlement plan, with the exception of the monitoring of the ceasefire, in effect since 6 September 1991. As recalled in the present report, the implementation of the plan, including the start of the transitional period, has been impeded by fundamental differences between the parties over the interpretation of its main provisions. Of these, the issue of the establishment of the electorate has been, and may remain, a core problem which could eventually prevent the holding of the referendum as provided by the plan.

33. Judging from the difficulties and delays encountered by MINURSO in the identification process from the outset, including the establishment of the criteria for voter eligibility, the two parties seem to share the belief that the composition of the electoral body will predetermine the outcome of the referendum. At different times, therefore, one or the other party has withheld cooperation with the MINURSO identification procedures, in the belief that they might eventually favourably skew the composition of the electorate. In fact, throughout the identification process, the cooperation of one or the other party with MINURSO has been predicated upon its perception of how the results might be favouring the other side.

34. The same underlying concerns are likely to pervade the appeal process as well. With already 79,000 appeals from the first part of the provisional voter list, MINURSO faces the prospect of receiving as many as 60,000 additional appeals from the second part of the list by the deadline of 25 February 2000. The respective positions of the two parties do not augur well for an early resolution of the issue of admissibility of appeals for hearings. Under these circumstances, the timetable envisaged is no longer valid, as indicated in my previous report, and the date for the referendum, which has been repeatedly postponed since 1991, can still not be set with certainty at this juncture.

35. Apart from the hearing of all appeals, which could take a long time, other questions will still need to be settled with the parties before a referendum can be held. These include such complex and sensitive issues as a protocol for the repatriation of Saharan refugees acceptable to all parties concerned, and agreement on what would constitute appropriate security conditions for voting in the Territory. As described in the present report, experience has shown that each time the United Nations has proposed a technical solution to bridge the parties' differing interpretation of a given provision of the settlement plan, a new difficulty, requiring yet another round of protracted consultations, arises.

36. The developments during the past nine years, and particularly over the last months, constitute a real source of concern and raise doubts about the possibility of achieving a smooth and consensual implementation of the settlement plan and agreements adopted by the parties - despite the support given by the international community. Furthermore, even assuming that a referendum were held pursuant to the settlement plan and agreements of the parties, if the result were not to be recognized and accepted by one party, it is worth noting that no enforcement mechanism is envisioned by the settlement plan, nor is one likely to be proposed, calling for the use of military means to effect enforcement.

37. With this sobering assessment, it would be wise to review the situation. I therefore intend to ask my Personal Envoy, James A. Baker III, to consult with the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute, which would define their respective rights and obligations in Western Sahara. To give adequate time for these consultations, I recommend that the Security Council extend the mandate of MINURSO for a period of three months, until 31 May 2000.

Annex

United Nations Mission for the Referendum in Western Sahara:
contributions as at 17 February 2000

	Military observers	Troops	Civilian police observers	Total
Argentina	1	-	-	1
Austria	4	-	-	4
Bangladesh	6	-	-	6
China	16	-	-	16
Egypt	19	-	1	20
El Salvador	2	-	-	2
France	25	-	-	25
Ghana	6	7	10	23
Greece	1	-	-	1
Guinea	3	-	-	3
Honduras	12	-	-	12
Hungary	-	-	4	4
Ireland	7	-	-	7
India	-	-	11	11
Italy	5	-	-	5
Kenya	8	-	-	8
Malaysia	13	-	10	23
Nigeria	5	-	10	15
Norway	-	-	2	2
Pakistan	6	-	9	15
Poland	3	-	-	3
Portugal	5	-	9	14
Republic of Korea	-	20	-	20
Russian Federation	25	-	-	25
Senegal	-	-	5	5
Sweden	-	-	10	10
Uruguay	13	-	-	13
United States of America	* 15	-	-	15
Venezuela	3	-	-	3
Total	203*	27*	81	311

* In addition to the Force Commander (Belgium).





Security Council

Distr.
GENERAL

S/2000/132
18 February 2000

ORIGINAL: ENGLISH

LETTER DATED 16 FEBRUARY 2000 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to bring to your attention the intention of the Special Representative of the Secretary-General of the United Nations in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, to allow the Republic of Albania to open a representative office in that Serbian province. If ever taken, the intended decision would further encourage ethnic Albanian separatism, serve to promote the idea of Greater Albania and destabilize the region.

In that context, let me recall the continued destructive activities of the Republic of Albania towards the Federal Republic of Yugoslavia and in the Balkans, particularly in Kosovo and Metohija, which of late have intensified.

The Republic of Albania is the only country in the world and the only Member State of the United Nations that has officially recognized and actively supported the illegal separatist creation of the so-called Republic of Kosovo, proclaimed in the sovereign territory of the Federal Republic of Yugoslavia, and allowed it to open a "representative" office in Tirana. These acts stand in sharp contravention of the Charter of the United Nations and the basic documents and principles of the Organization for Security and Cooperation in Europe (OSCE). Plagued by chaos and lawlessness, the Republic of Albania "exported" its instability into Kosovo and Metohija, encouraging its ethnic Albanian residents to be disloyal to the Republic of Serbia and the Federal Republic of Yugoslavia, the State in which they live. The Republic of Albania took active part in creating and arming the terrorist/separatist "Kosovo Liberation Army" ("KLA") and turned a large part of its territory into a "KLA" boot camp and logistic base in support of its campaign of terror aimed at seceding Kosovo and Metohija from the Federal Republic of Yugoslavia.

Kosovo and Metohija is an integral and inalienable part of the sovereign territory of the Federal Republic of Yugoslavia. Its status is based on relevant international peace treaties made this century, the Charter of the United Nations, the Helsinki Final Act and on international law and has been expressly confirmed in Security Council resolution 1244 (1999) of 10 June 1999. Bearing

that in mind, I would like to point out that representative offices of foreign States and/or international organizations may be opened in the territory of the Federal Republic of Yugoslavia only with the agreement and approval of the Government of the Federal Republic of Yugoslavia. The international civil presence in Kosovo and Metohija and the Special Representative of the Secretary-General of the United Nations have no right to violate in any way the basic principle of international law and international relations relative to the respect of sovereignty and territorial integrity and may not represent or substitute sovereign power.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.



Security Council

Distr.
GENERAL

S/2000/133
18 February 2000

ORIGINAL: ENGLISH

LETTER DATED 15 FEBRUARY 2000 FROM THE CHAIRMAN OF THE SECURITY
COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to transmit herewith the annual report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait. The present report, which was adopted by the Committee on 15 February 2000, is being submitted pursuant to the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) A. Peter VAN WALSUM
Chairman

Security Council Committee established
by resolution 661 (1990) concerning the
situation between Iraq and Kuwait

Annex

Annual report of the Security Council Committee established
by resolution 661 (1990) concerning the situation between
Iraq and Kuwait

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I. INTRODUCTION

1. The present report is submitted to the Security Council pursuant to a note by the President of the Security Council of 29 March 1995 (S/1995/234) by which the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait is requested to report annually to the Security Council providing a concise indication of its activities. The Committee has so far submitted three annual reports to the Security Council (S/1996/700, S/1997/672 and S/1998/1239). This report aims at presenting a factual summary of the Committee's major activities from 1 August 1998 to 20 November 1999, with necessary references to other important events and decisions.

2. The implementation of the arrangements established by resolution 986 (1995) has continued under resolutions 1153 (1998) (phase IV), 1210 (1998) (phase V) and 1242 (1999) (phase VI). By its resolution 1266 (1999) of 4 October 1999, the Security Council authorized States to permit the import of petroleum and petroleum products originating in Iraq up to an additional sum of US\$ 3.04 billion for phase VI, equivalent to the total shortfall of revenues authorized but not generated under resolutions 1210 (1998) and 1153 (1998), beyond the \$5.256 billion already provided for by resolution 1242 (1999). The oil-for-food arrangements provided in resolution 1242 (1999) were further extended by resolution 1275 (1999) for two more weeks, until 4 December 1999.

3. During the reporting period, the Committee submitted six reports to the Council on the implementation of the arrangements set out in paragraphs 1, 2, 6 and 8 to 10 of resolution 986 (1995) (S/1998/813 of 27 August 1998, S/1998/1104 of 20 November 1998, S/1999/279 of 12 March 1999, S/1999/582 of 18 May 1999, S/1999/907 of 24 August 1999 and S/1999/1177 of 17 November 1999).

4. Pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991), the Committee submitted six reports to the Council during the reporting period on matters related to arms embargo (S/1998/729, S/1998/1055, S/1999/110, S/1999/519, S/1999/848 and S/1999/1113).

5. During the reporting period, only one review of the sanctions was conducted by the Security Council, on 20 August 1998, bringing the total number of reviews to 40 pursuant to paragraph 21 of resolution 661 (1990) and 20 pursuant to paragraph 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991). No modification of the sanctions regime resulted from the review. Pursuant to paragraph 3 of resolution 1194 (1998), reviews of sanctions have been suspended since 9 September 1998.

6. The Committee elects its bureau at the beginning of each calendar year. The bureau consists of a Chairman elected in his or her personal capacity and two Vice-Chairmen designated in a delegation capacity. For 1998, the bureau consisted of António Monteiro (Portugal) as Chairman, with the delegations of Brazil and Gabon as Vice-Chairmen. For 1999, Peter van Walsum (Netherlands) serves as Chairman, with the delegations of Argentina and Gabon as Vice-Chairmen of the Committee.

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II. WORK OF THE COMMITTEE

7. During the reporting period, the Committee dealt with a wide range of issues. From August 1998 to the end of November 1999, the Committee held 18 meetings, bringing the total number of meetings to 191 since its inception in 1990 (see appendix). In accordance with decisions taken at the Committee's 132nd and 134th meetings, the Chairman continued to give oral briefings about the work of the Committee after each meeting to interested delegations and the press.

8. The Committee also held many informal consultations at expert level to discuss various issues concerning its activities.

A. Implementation of Security Council resolution 986 (1995)

9. The operation under resolution 986 (1995) continued throughout the reporting period, extended successively by resolutions 1210 (1998), 1242 (1999), 1266 (1999) and 1275 (1999). The Committee continued its efforts to overcome difficulties with regard to the approval process and speeding up the delivery of humanitarian supplies to Iraq and their distribution. The Committee has submitted 12 reports to the Security Council on the oil-for-food programme, two for each phase since 10 December 1996 when the programme was first launched.

Export of petroleum and petroleum products from Iraq

10. During the period covered by the present report, the export of petroleum and petroleum products from Iraq proceeded smoothly with excellent cooperation among the oil overseers, the United Nations independent inspection agents (Saybolt), the State Oil Marketing Organization of Iraq and national oil purchasers.

11. By 20 November 1999 there were 428 national oil purchasers, nominated from 63 countries, who were authorized to communicate directly with the oil overseers according to paragraph 2 of the procedures of the Committee (S/1996/636).

12. In the period covered by the present report, a total of 190 oil contracts were received and reviewed by the oil overseers; 752 liftings with a volume of 968.5 million barrels were made, and the revenue generated amounted to \$13.580 billion.

13. During the reporting period, the oil overseers continued to advise the Committee on oil prices, volumes, liftings, destinations, management of the revenue objective and other pertinent questions related to the monitoring of petroleum exports from Iraq in accordance with the provisions of resolutions 986 (1995), 1153 (1998), 1158 (1998), 1210 (1998), 1242 (1999), 1266 (1999) and 1275 (1999).

14. Pursuant to paragraph 14 of the procedures of the Committee, the overseers continued to report to the Committee once a week on the contracts considered by them regarding the sale of petroleum originating in Iraq, including the cumulative quantity and approximate value of petroleum authorized for export.

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As at the end of the reporting period, 155 such reports have been submitted to the Committee.

15. As from the second half of phase V, the increase in the total level of exports led to an increase in the share of crude oil exported from Mina al-Bakr. The Committee took note of this temporary situation on 22 April 1999 in a note from the Chairman (S/AC.25/1999/CN/15) and again on 12 November 1999 (S/AC.25/1999/CN/52), on the understanding that the Kirkuk-Yumurtalik pipeline would be used to its maximum capacity and that all efforts would be taken to correct the imbalance without delay. The situation remains unchanged to date and the Committee will keep this situation constantly under review.

16. As from 1 July 1999 there is just one oil overseer on duty and the situation remains unchanged. The hard work of the overseer is appreciated by the members of the Committee, which will continue to work towards filling the vacancies in the overseer team as provided for in paragraph 1 of the Committee's procedures (S/1995/636).

Efforts by the Committee to expedite humanitarian deliveries and related matters

17. During the reporting period, the Committee continued to attach priority to the work of processing contracts submitted under the oil-for-food programme from the middle of phase IV to the end of phase VI.

18. The Committee continued implementing the simplified procedure that was adopted at the beginning of phase IV with regard to applications for foodstuffs.

19. During the reporting period, members of the Committee considered a report prepared by the Office of the Iraq Programme concerning applications submitted for the 53 per cent account under Security Council resolution 986 (1995), which included contractual clauses providing for payment to be authorized other than by the United Nations (so-called "retention clauses"). There was agreement among members of the Committee that the deletion of those payment clauses would be required to bring the applications into conformity with Committee procedures before circulation to the Committee. In the second half of phase VI, over 100 contracts were amended to delete the clauses, and were then circulated to the Committee for action. The issue of other payment clauses, such as deferred automatic payments or counter guarantees, is still before the Committee. Subsequently, applications for contracts containing this type of clause have been circulated to the Committee without amendment.

20. The Committee has focused particularly on the question of holds on humanitarian contracts that include oil spare parts and equipment. Members of the Committee continued to express concerns about the effect of the holds on the humanitarian situation in Iraq. During the reporting period, members of the Committee heard a number of briefings by the Office of the Iraq Programme and the representatives of Saybolt Nederland BV, the United Nations independent agents, on their observation mechanisms and on holds, and the United Nations Humanitarian Coordinator for Iraq on the humanitarian situation in Iraq.

21. Members of the Committee reviewed the situation with regard to the level of stock in central medical warehouses. It was reported that the reasons for the

stock of pharmaceuticals, medical supplies and medical equipment are multiple and complex. The Committee will keep the situation under review.

22. To simplify the processing of contracts for sending humanitarian supplies to Iraq, the Committee revised, early in September 1999, the Guidance on the completion of requests and notifications to ship goods to Iraq. The new guidance includes provisions for submitting applications in electronic format.

23. The issue of reimbursement of the 53 per cent account from the 13 per cent account for joint purchases continues to be a concern for the Committee and the Secretariat. On the basis of a proposal by the Executive Director of the Office of the Iraq Programme, the Committee has considered the issue on a number of occasions and no consensus has been reached. As at 20 November 1999, the accumulated reimbursable balance totalled \$230 million.

24. During the reporting period, members of the Committee considered a letter from the Under-Secretary-General for Management concerning the transfer of 1 per cent of the oil sales proceeds from the escrow account established under resolution 986 (1995) for the payment envisaged in paragraph 6 of resolution 778 (1992), as provided in paragraph 8 (g) of resolution 986 (1995). There was general agreement among members of the Committee that the amount for that purpose should be \$10 million every 90 days, as specified in paragraph 8 (g) of resolution 986 (1995). A letter to that effect was sent to the Under-Secretary-General for Management on 14 May 1999.

25. Members of the Committee considered two reports of the Board of Auditors on the audit of the United Nations escrow account (the Iraq account). In a letter dated 26 July 1999 addressed to the Secretary-General, who forwarded the reports to the Committee, the Committee expressed its concern with regard to the absence of specific audits of the operations of United Nations implementing agencies under resolution 986 (1995). The Committee would welcome future reporting on management audits of activities of the agencies related to resolution 986 (1995). The Chairman of the Committee received a letter dated 12 November 1999 from the Under-Secretary-General for Management with regard to the management of the United Nations Iraq account.

Humanitarian supplies to Iraq under the oil-for-food programme

26. During the period covered by this report the Secretariat has received 2,657 applications, of which 60 were subsequently cancelled, 2,245 were circulated to the Committee and 352 were under evaluation or remained to be processed by the Secretariat. Of the 2,245 circulated for action, 1,835 were approved, totalling approximately \$3.4 billion, including 278 applications worth approximately \$680 million released from previous holds; 358 were placed on hold, with a total value of \$872.2 million; and 52, with a value of \$76.3 million, were awaiting decisions of the Committee. In the same period, the Committee also approved applications worth approximately \$300 million for purchases for the United Nations inter-agency humanitarian programmes operating in the northern part of Iraq.

27. The arrival of humanitarian goods is verified and confirmed by the United Nations independent inspection agents (Lloyd's Register until 31 January 1999

and Cotecna from 1 February 1999) at four entry points: the port of Umm Qasr, Trebil on the Iraqi-Jordanian border, Al-Walid on the Iraqi-Syrian border and Zakho on the Iraqi-Turkish border. In the period covered by the present report, a total of 2,340 approved consignments were confirmed as having arrived in Iraq in full and 1,534 consignments were confirmed as having arrived in Iraq in partial shipments. As in previous phases, the Iraqi authorities have accorded the independent agents full cooperation in their work.

28. The Committee remains fully committed to implementing its mandate with regard to the export of humanitarian supplies to Iraq under the oil-for-food programme and will continue its efforts for the purpose of further improving the approval process and enhancing the timely delivery of humanitarian supplies to Iraq. In accordance with the recommendations contained in the letter from the Secretary-General to the President of the Security Council dated 22 October 1999 (S/1999/1086), members of the Committee will continue the practice of keeping under review those humanitarian contracts that have been placed on hold. The Office of the Iraq Programme briefed the Committee on its efforts to seek more complete information on contracts submitted to the Committee to ensure their timely processing.

Matters related to the supply of oil equipment and spare parts to Iraq

29. By its resolution 1175 (1998) of 19 June 1998, the Security Council authorized States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990), the export to Iraq of the necessary parts and equipment to enable Iraq to increase the export of petroleum and petroleum products, in quantities sufficient to produce the sum of \$5.256 billion as provided by resolution 1153 (1998). Also in resolution 1175 (1998), the Council decided that up to a total of \$300 million in the escrow account produced pursuant to resolution 1153 (1998) might be used to meet any reasonable expenses in that respect. That arrangement is reaffirmed by paragraph 8 of resolution 1210 (1998) and by paragraph 8 of resolution 1242 (1999).

30. On 29 December 1998 the Secretary-General submitted to the Security Council a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998) (see S/1998/1233). In July 1999, the Secretary-General submitted another list to the Security Council (see S/1999/746), together with the report of the group of experts on the general situation of the oil industry of Iraq. In a letter dated 12 October 1999 addressed to the President of the Security Council (S/1999/1053), the Secretary-General recommended an increase of \$300 million in the allocation for oil spare parts and equipment.

31. The Committee has discussed ways to improve the approval process for contracts for sending oil spare parts and equipment to Iraq in accordance with existing procedures. The Committee held a number of informal consultations at the expert level to discuss intensively the issue of oil spare parts, the impact of holds on such contracts and the monitoring of oil spare parts in Iraq. To facilitate its work, the Committee also invited, on three occasions in January, July and October 1999 respectively, the oil experts from Saybolt Nederland BV, the United Nations independent agents monitoring Iraq's oil export under

resolution 986 (1995), to brief members of the Committee on the need for Iraq to import spare parts and equipment necessary to increase its oil output.

32. By 20 November 1999, the Secretariat had received from 42 States 1,401 applications for exporting oil spare parts to Iraq, of which 45 were subsequently withdrawn and 1,156 were circulated to the Committee for consideration; 800 contracts with a value of approximately \$401 million were subsequently approved, including 256 applications worth approximately \$172 million released from previous holds; 318 contracts with a value of \$167.8 million were placed on hold, and 38 contracts with a value of \$21.8 million were awaiting the decision of the Committee; 105 applications with a value of \$87.2 million were still under evaluation by Secretariat experts, while 95 with a value of \$180.5 million remained to be processed.

33. The Committee intends to continue the practice of keeping under review those contracts for oil parts and equipment that have been placed on hold along the lines of the letter dated 22 October 1999 from the Secretary-General to the President of the Security Council (S/1999/1086) and the letter dated 8 November 1999 from the Executive Director of the Office of the Iraq Programme to the Chairman of the Committee on the same question.

B. Humanitarian exemptions under resolution 661 (1990)

34. During the period covered by the present report, the Committee continued to receive and process other notifications and applications to send humanitarian goods to Iraq submitted under resolutions 661 (1990) and 687 (1991); the number of notifications or applications received from States and international organizations was 6,070. The Committee acknowledged receipt of all 98 foodstuff notifications and took note of 46 voluntary notifications for medical supplies to Iraq, which had an estimated combined value of \$254,039,345. Under its "no-objection" procedure, the Committee processed all remaining 5,926 applications concerning the supply of other categories of goods to Iraq. Some 2,654 of these requests, with an estimated value of \$4,413,446,701, were approved; 427 with an estimated value of \$7,623,378,005 were placed on hold for further information and/or clarification; 2,823 applications with a value of \$24,892,308,758 were blocked; and 22 applications with a value of \$6,715,325 were withdrawn or nullified. Discussions have been held to improve the procedures in that respect.

C. The Hajj

35. The Committee remained actively seized of issues concerning the Hajj following the adoption of resolution 1153 (1998), by paragraph 3 of which the Committee is directed to authorize, on the basis of specific requests, reasonable expenses related to the Hajj pilgrimage, to be met by funds in the escrow account. At its 174th meeting, on 1 September 1998, the Committee decided to convene an informal meeting of experts on practical arrangements to facilitate the performance of the Hajj. At its 178th meeting, on 11 January 1999, the Committee agreed to a proposal that the Chairman would meet with the representative of Iraq to discuss the matter. It was further decided

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that a non-paper would be prepared by the Secretariat on this subject to facilitate a discussion of the issue at the expert level of the Committee.

36. At its 179th meeting, on 24 February 1999, the Committee discussed primarily questions concerning the Hajj. The Chairman informed the Committee that at the expert consultations held on 17 February, a two-way approach had been conceived: first, a letter would be sent to Iraq concerning alternative ways to facilitate the participation of Iraqi pilgrims in the Hajj and, secondly, the Chairman would meet with the Ambassador of Iraq to discuss the matter, including the idea of third-party involvement in assisting with Hajj arrangements. Since the Hajj pilgrimage was to start soon, members of the Committee expressed the hope that the issue would be resolved as soon as possible. The Committee also took note of a suggestion made by the United Nations Humanitarian Coordinator for Iraq during a briefing that viable third parties could be involved in making the necessary arrangements.

37. During the 180th meeting, on 24 February 1999, the Chairman briefed the members on his meeting with the Ambassador of Iraq. He also informed the Committee that he was waiting for a response from the Government of Iraq regarding third-party involvement in Hajj arrangements. The Committee continued its consideration of this matter at its 181st meeting, on 8 March. The Chairman drew attention to a letter dated 2 March 1999 from the Permanent Representative of Iraq, in which the latter insisted that funds for the Hajj be made directly available to Iraq. The Permanent Representative of Iraq also requested that he should be invited to appear before the Committee so that he could explain his Government's views on the subject. No consensus was reached on the Iraqi request. The Chairman also informed members that he had met with the Permanent Representative of Saudi Arabia, who had presented a paper on the Hajj, in which a possible solution to the ongoing problem of arrangements for the Hajj was proposed. Members suggested that the Chairman should meet with the Permanent Representatives of Saudi Arabia and Iraq to ascertain if the Saudi Arabian proposal would be helpful in reaching a solution to the problem.

38. At the 183rd meeting, on 16 March 1999, the Chairman informed the Committee that the Permanent Representative of Iraq had confirmed that there would be no further communication from Iraq on this question as Iraq did not agree with the Committee's suggestions. The Chairman briefed the press on the outcome of the Committee's discussion, taking into account the various views of the members of the Committee.

D. Flights

39. The Committee received seven communications concerning humanitarian flights to Iraq during the reporting period, one for medical evacuation (United Kingdom of Great Britain and Northern Ireland), four for sending humanitarian supplies to Iraq (Cyprus, United Arab Emirates and Russian Federation) and two for transporting other personnel to Iraq (Austria and Venezuela). The Committee responded positively to the medical evacuation and humanitarian supply flights and responded to communications concerning the two flights taking foreign personnel to Iraq.

40. Inspections were conducted at the Committee's request by designated United Nations personnel on all flights that arrived in Iraq. Reports on the inspections were forwarded to the Committee for the information of Committee members.

41. At its 174th meeting, on 1 September 1998, the Committee considered a request from the United Arab Emirates to authorize weekly flights to Baghdad, and reiterated its position on previous requests of a similar nature, namely, that it was unable to grant a blanket approval for regular flights to Iraq.

E. Financial matters

42. At its 178th meeting, on 11 January 1999, the Committee reviewed a communication from Lebanon which provided evidence, as requested by the Committee, that the accounts held by Lebanese depositors at the Rafidain Bank in Beirut did in fact belong to Lebanese nationals and companies. Further consideration was also given to the Lebanese request to release the funds to the depositors. Some members stressed that the matter should be dealt with bilaterally, while others maintained that the matter was within the purview of the Committee. The request was considered a number of times and, at its 187th meeting, on 25 June 1999, the Committee agreed that a letter from the Chairman should be addressed to the Permanent Representative of Lebanon to inform him that the Committee was not in a position to approve the release of funds as requested.

43. At its 186th meeting, on 27 May 1999, the Committee considered a communication from the Danish Agency for Trade and Industry, which had been requested by the Iraqi Embassy in Stockholm to reactivate its frozen account in a Danish bank in order to cover the administrative expenses of the Embassy. The Committee recognized the need for Iraqi diplomatic missions to meet their operating and administrative costs but was not in a position to authorize the unfreezing of Iraqi accounts as such, noting that further clarification as to why funds had to be moved from Denmark to Sweden would be needed. The Danish communication was subsequently withdrawn.

44. At its 189th meeting, on 24 August 1999, the Committee considered a letter from Bahrain requesting the Committee's advice with regard to the release of funds of Yemeni citizens with Al-Rafadeen Bank. The question was taken up again by the Committee upon receipt of further clarification from Bahrain on 21 October in response to the Committee's questions. On 4 November, the Committee sent a letter to Bahrain informing it that the Committee had no objection to the release of funds as described, provided that the financial assets once released would not be made available directly or indirectly to any Iraqi citizens or entities.

45. At its 190th meeting, on 12 October 1999, the Committee considered a communication from the Government of Denmark, which had been requested by a Danish company to ascertain whether it was permissible for it to invest in a project in which Iraq had a 5 per cent minority share. The Committee decided that the request should be granted, provided that any profits generated be placed in a frozen account.

F. Air travel to and from Baghdad for diplomats and their families

46. As described in its previous report, the request from the Dean of the Diplomatic Corps in Baghdad to ease restriction on air travel to and from Baghdad for diplomats and their families has remained constantly on the Committee's agenda. At the 178th meeting, on 11 January 1999, members of the Committee considered a further communication from the Dean of the Diplomatic Corps in Baghdad which, in a response to the Committee's earlier query, outlined a number of suggestions for solving the problem. During discussions, the use of United Nations aircraft for the purpose of transporting diplomats stationed in Baghdad was suggested and for that purpose the Chairman was requested to discuss the matter with the Under-Secretary-General for Peacekeeping Operations.

47. On 8 March 1999, at the 181st meeting, the Chairman briefed members on his meeting with the Under-Secretary-General for Peacekeeping Operations and informed the Committee that the United Nations flights to Baghdad had not been operating since December 1998. It was agreed that a letter should be sent to the Dean of the Diplomatic Corps in Baghdad to the effect that the Committee remained actively seized of the matter.

48. The Committee took up this question briefly a number of times thereafter while awaiting further responses from the Dean of the Diplomatic Corps in Baghdad. The Committee received a communication dated 27 October 1999 from the Dean of the Diplomatic Corps in Baghdad which outlined a new proposal based on the understanding of the diplomatic community in Iraq. The Committee will consider the new proposal in the near future.

G. Passenger shipping services

49. At its 175th and 176th meetings, on 30 October and 1 December 1998, the Committee addressed the question, raised by the United Arab Emirates, whether "personal effects", in relation to its passenger shipping service to and from Iraq, would include private vehicles. The Committee was inclined to consider favourably the movement of vehicles but refrained from defining the phrase "personal effects". On the basis of the additional clarification provided by the United Arab Emirates as requested by some members, the Committee was able to approve the request of the United Arab Emirates at its 178th meeting, on 11 January 1999.

50. At its 187th meeting, on 25 June 1999, the Committee considered a communication from Iraq in which Iraq requested to have the Iraqi vessel Al-Bahr al-Arabi towed out of the territorial waters of the United Arab Emirates to the port of Umm Qasr. The relocation of the vessel was deemed necessary by Iraq because of the vessel's deteriorating condition which could, it was stressed, be detrimental to the environment. The Committee decided to seek the comments of the United Arab Emirates on the matter. At its 190th meeting, on 12 October 1999, the Committee took up the issue again, upon receipt of additional information from the United Arab Emirates, which stated that nothing in the vessel had the capacity to pose any potential environmental threat to the surrounding Gulf region. The Committee then decided that it was unable to grant

the release of the Iraqi vessel Al-Bahr al-Arabi from the territorial waters of the United Arab Emirates.

51. At its 189th meeting, on 24 August 1999, the Committee considered a communication from the United Arab Emirates regarding a request made by Naif Marine Services Co. to transport pilgrims from Bahrain and Qatar who wished to visit the holy places in Iraq. The Committee decided to contact the countries involved in the project in order to clarify certain logistical and organizational aspects.

52. The question was considered again at the 190th meeting, on 12 October 1999. On the basis of the additional information provided by Bahrain, the Committee was able to approve the operation of the ferry service for Bahrain.

H. Other matters

Request by Turkey

53. Turkey's request to resume the import of petroleum and petroleum products from Iraq for domestic purposes, evoking Article 50 of the Charter of the United Nations in view of the serious economic difficulties Turkey considers it has suffered as a result of the sanctions against Iraq, has remained on the Committee's agenda for the last three years. In view of new developments in the situation since August 1996, when the request was first introduced, at the Committee's request, Turkey submitted a follow-up communication in April 1999 with updated information. The Committee has taken up the issue many times without reaching a decision and it has been repeatedly deferred. The Committee also received a communication from France on 25 August 1999 suggesting that the Permanent Representative of Turkey be invited to a Committee meeting to present his views on the matter. There was no consensus on the suggestion.

Participation of Iraq in Committee meetings

54. At its 186th meeting, on 27 May 1999, the Committee considered a request from Iraq to be granted access to Committee summary records and to be invited to formal meetings of the Committee when matters were discussed on which Iraq's opinion might be needed. The Committee agreed not to give Iraq free access to its summary records with limited circulation. With regard to the question of inviting Iraq to formal meetings, there was no consensus in the Committee. However, the possibility of extending to Iraq, on a case-by-case basis as necessary, invitations to the Committee's formal meetings was proposed. At the 189th meeting, on 24 August 1999, the issue of Iraq's participation in Committee meetings was again raised.

Participation of United Nations agencies in Committee meetings

55. At its 190th meeting, on 12 October 1999, the Committee considered a proposal by France to invite UNICEF and other United Nations agencies to brief the Committee about the humanitarian situation in Iraq. The Committee agreed to extend an invitation to the Executive Director of UNICEF, who subsequently

briefed the members of the Security Council. The Committee will consider further briefings by other United Nations agencies on a case-by-case basis.

Activities of the International Atomic Energy Agency

56. At the 181st meeting, on 8 March 1999, the members of the Committee considered a request from the International Atomic Energy Agency (IAEA) for clearance for seven new technical projects in Iraq. It was decided that further information on monitoring and the dual-use nature of the items would be required before the projects could be acceded to. At its 186th meeting, on 27 May 1999, the Committee approved the IAEA request to implement the seven technical projects in Iraq, subject to the Agency's ensuring that the projects were implemented together with appropriate monitoring mechanisms.

57. During its 189th meeting, on 24 August 1999, the Committee considered a communication from IAEA in which the Committee was requested to advise whether the Agency could dispatch a fact-finding mission to Iraq, at the request of the latter, to gather data on possible radioactive residues resulting from depleted uranium ammunition. The Committee concluded that the matter did not fall within the purview of the Committee, unless IAEA wanted to import equipment submitted to the sanctions regime for the purpose of such a mission. A response to that effect was made to IAEA.

Aerial pesticide campaign

58. At its 180th meeting, on 26 February 1999, the Committee considered a communication from the Food and Agriculture Organization of the United Nations (FAO) requesting approval for its aerial spraying of pesticides in Iraq for 1999. The Committee agreed in principle to the request, but stressed that the pesticide activities should be carried out in compliance with the procedures established by the Committee for that purpose and that all dual-use items being shipped into Iraq to help implement the pesticide campaign should be submitted for the Committee's consideration on a case-by-case basis.

59. On 3 June 1999, FAO submitted to the Committee its final report on its aerial spraying of pesticides in Iraq.

I. Monitoring arrangement and reported violations

60. At its 174th meeting, on 1 September 1998, the Committee, under "other matters", requested its Chairman to raise with the Permanent Representative of the Islamic Republic of Iran the reported smuggling of Iraqi oil through Iranian waters. The issue was raised in connection with a report received from the Multinational Interception Force operating in the Gulf region, which highlighted that the Force continued to be successful in curtailing the import of prohibited items into Iraq. At the 175th meeting, on 28 October 1998, the Chairman informed the Committee that he had met with the Permanent Representative of the Islamic Republic of Iran on the subject, who had promised to report back to his authorities. The Committee awaits a response from the Permanent Representative.

61. At its 184th meeting, on 18 March 1999, the Committee considered urgently a communication from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia regarding the detention on 17 March at Jeddah international airport of an Iraqi aircraft, which had been used to transport Iraqi pilgrims to perform their religious duties during the Hajj. The communication indicated that the Saudi authorities intended to allow the aircraft to return to Iraq without its passengers unless it received an immediate response from the Committee to the contrary. There was no consensus in the Committee and it was decided that the Chairman would so inform the Saudi Arabian authorities and thank them for bringing the matter to the Committee's attention.

III. CONCLUSIONS AND OBSERVATIONS

62. The Committee reaffirms its commitment to continue working closely with the Secretary-General and the Office of the Iraq Programme to enhance the efficiency and effectiveness of the Programme.

63. The Committee will continue its effort to address the humanitarian situation in Iraq and other related issues within the framework of relevant Security Council resolutions. The Committee wishes to express its appreciation for the consistent support and cooperation it has received from Member States, international organizations and the United Nations Secretariat in carrying out the tasks entrusted to it by the Security Council.

Appendix

Dates of Committee meetings held between 1 August 1998
and 20 November 1999

Meeting	Date
174th	1 September 1998
175th	30 September 1998
176th	1 December 1998
177th	22 December 1998
178th	11 January 1999
179th	23 February 1999
180th	26 February 1999
181st	8 March 1999
182nd	12 March 1999
183rd	16 March 1999
184th	17 March 1999
185th	22 April 1999
186th	27 May 1999
187th	25 June 1999
188th	6 July 1999
189th	24 August 1999
190th	12 October 1999
191st	27 October 1999



Security Council

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GENERALS/2000/134
18 February 2000
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 16 FEBRUARY 2000 FROM THE
PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED
NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO
THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft based in Saudi Arabia, Kuwait and Turkey continued between 8 and 14 February 2000 and that the aircraft in question engaged in acts of aggression, reconnaissance activities and acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the United States, the United Kingdom and the countries that provide the facilities for these acts of aggression, namely Saudi Arabia, Kuwait and Turkey, with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of Iraq.

These actions are continuing to bring death and injury to hundreds of civilians and to cause serious damage to private and public property. The logistic support that Saudi Arabia, Kuwait and Turkey provide to the United States and British forces makes them key partners in the aggression being committed against Iraq, so that they share international responsibility for the consequences of these actions. The Government of the Republic of Iraq affirms its right to seek lawful compensation for the damage being inflicted on its people by these same actions.

I should be grateful if you would have this letter and its annex containing details of the violations of Iraq's airspace circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative



Annex

Violations by United States and British aircraft and damage
caused, 8-14 February 2000

1. In the northern region, 72 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

(a) At 1100 hours on 8 February 2000 United States and British F-14, F-15, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS command and control aircraft operating inside Turkish airspace and overflew the Baibo, Amadiyah, Rawanduz, Aqrah, Shaqlawa, Dohuk, Ayn Zalah, Tall Afar, Sinjar, Irbil and Mosul areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1410 hours, drove them off.

(b) At 1130 hours on 9 February 2000 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 16 missions from Turkish territory, were supported by an AWACS command and control aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Amadiyah, Mosul and Tall Afar areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1310 hours, drove them off.

(c) At 1030 hours on 10 February 2000 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS command and control aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Mosul, Irbil, Tall Afar, Amadiyah, Aqrah and Sinjar areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1435 hours, drove them off.

(d) At 1215 hours on 14 February 2000 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 20 missions from Turkish territory, were supported by an AWACS command and control aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Amadiyah, Mosul and Tall Afar areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1415 hours, drove them off.

2. In the southern region 96 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 1355 hours on 9 February 2000 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 50 missions, 24 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 26 from Kuwaiti territory with the support of an E2-C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Samawah, Salman, Basrah,

/...

Amarah, Kut, Hayy, Najaf, Artawi, Busayyah and Jalibah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1815 hours, drove them off.

(b) At 1150 hours on 10 February 2000 United States and British F-14 and F-15 aircraft coming from Saudi territory penetrated Iraq's airspace in the southern region. They carried out 8 missions from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Lasaf, Taqtaqanah West and Ashbajah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1305 hours, drove them off.

(c) At 0810 hours on 12 February 2000 United States and British F-15 and F-16 aircraft coming from Saudi territory penetrated Iraq's airspace in the southern region. They carried out 14 missions from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Salman, Lasaf, Ashbajah, Nukhayib and Lasaf North areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1030 hours, drove them off.

(d) At 0955 hours on 14 February 2000 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 24 missions, 12 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 12 from Kuwaiti territory with the support of an E2-C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Salman, Lasaf, Qurnah, Samawah, Basrah and Ashbajah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1200 hours, drove them off.



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Security Council

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S/2000/135
18 February 2000

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GENERAL ASSEMBLY
Fifty-fourth session
Agenda item 43
THE SITUATION IN THE MIDDLE EAST

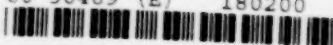
SECURITY COUNCIL
Fifty-fifth year

LETTER DATED 18 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF
LEBANON TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith an urgent letter addressed to you by
Salim El Hoss, Prime Minister of Lebanon, concerning the recent acts of
aggression perpetrated by Israel against Lebanon.

I should be grateful if you would have the present letter and its annex
circulated as a document of the General Assembly, under agenda item 43, and of
the Security Council.

(Signed) Selim TADMOURY
Ambassador
Permanent Representative



Annex

[Original: Arabic]

Letter dated 18 February 2000 from the Prime Minister
of Lebanon to the Secretary-General

While international efforts are being made to secure the resumption of the meetings of the April Understanding Monitoring Group, Israel has decided upon a fresh and grave escalation of the situation, with the announcement that a ministerial troika, headed by Prime Minister Barak, has been given the authority to decide upon strikes against Lebanese civilians and Lebanon's infrastructure.

This announcement comes at a time when irresponsible threats have been issued by officials in Israel. Foreign Minister Levy has threatened that the soil of Lebanon will burn and that the Lebanese Government will pay a heavy price, while army Chief of Staff Mufaz has spoken about striking at civilian villages, if the resistance continues its legitimate struggle against the forces of occupation.

Israel's latest acts of aggression and threats reveal the truly uncivilized nature of its policy, which is based upon occupation and inflicting collective suffering upon civilians. They also represent a desperate attempt to cover up Israel's continuing occupation of Lebanese territory.

It is regrettable that Israel, as a Member of the United Nations, by whose Charter and precepts it is bound, and a country which claims that it would like the peace talks to resume, has resorted to authorizing the deliberate murder of innocent people, in contravention of international law, the Fourth Geneva Convention and the most basic humanitarian and moral principles.

You should have no doubt that Israel's latest threats foretoken fresh acts of aggression to be carried out against the sovereignty, territorial integrity and internationally recognized borders of Lebanon. Such acts flout the terms of the April Understanding, demonstrate disregard for its provisions and for efforts to reconvene the Group's meetings and are in flagrant contravention of the imperatives of peace in the region.

Lebanon, in reiterating its commitment to the peace process and to finding a just and comprehensive solution, once more affirms its right, in keeping with the precepts of the United Nations and the terms of the April Understanding, to resist occupation. It calls upon the international community to take all appropriate measures to prevent renewed acts of aggression by Israel against Lebanon and the security of its people and territory, and to guarantee, in accordance with Security Council resolution 425 (1978), the immediate and unconditional withdrawal of Israel from Lebanese territory to the internationally recognized borders.

In view of the grave situation that has been created by Israeli acts of aggression and threats, we call upon you to make every effort and to use your good offices to ensure that Israel desists from pursuing its hostile plans against Lebanon. We request that you draw the attention of the Security Council to the critical situation created by these acts and that you have this letter circulated as a document of the General Assembly and of the Security Council.



Security Council

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18 February 2000
ENGLISH
ORIGINAL: FRENCH

Letter dated 17 February 2000 from the Chargé d'affaires a.i.
of the Permanent Mission of Portugal to the United Nations
addressed to the Secretary-General

I have the honour to bring to your attention the statement on the recent terrorist acts in Teheran issued on 15 February 2000 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Nuno BRITO
Chargé d'affaires a.i. of the
Permanent Mission of Portugal
to the United Nations



Annex

[Original: English and French]

Statement on the recent terrorist acts in Teheran issued on
15 February 2000 by the Presidency of the European Union on
behalf of the European Union

The European Union strongly deplores the mortar attack which recently took place in the centre of Teheran, and deeply regrets the injuries and death caused by this distressing act of violence. The European Union extend its warmest sympathies to the victims and their families.

The European Union firmly reiterates its condemnation of all acts of terrorism as criminal and unjustifiable, wherever and whenever they occur, and whatever their motives and origin. The European Union recalls that the fight against terrorism is a matter of the highest priority, and calls upon all States to join international efforts to counter the growing menace of terrorism.



Security Council

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21 February 2000
ENGLISH
ORIGINAL: ENGLISH AND SPANISHLETTER DATED 18 FEBRUARY 2000 FROM THE PRESIDENT OF THE
SECURITY COUNCIL TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter of 31 January 2000 attaching the report of the International Commission of Inquiry on East Timor (A/54/726-S/2000/59) has been brought to the attention of the members of the Security Council. Grave violations of international humanitarian and human rights law have been committed; those responsible for these violations should be brought to justice as soon as possible.

The members of the Security Council welcome the commitment of the Government of Indonesia, as set out in the letter to you dated 26 January 2000 from the Minister for Foreign Affairs of Indonesia, Alwi Shihab (A/54/727-S/2000/65, annex), to bring those responsible to justice through Indonesia's national judicial system. To that end, they encourage Indonesia to institute a swift, comprehensive, effective and transparent legal process, in conformity with international standards of justice and due process of law. In this context, Council members recognize that the accountability of those responsible for the aforementioned violations would be a key factor in ensuring reconciliation and stability in East Timor. They are particularly conscious that early and effective action by the Government of Indonesia would contribute to improved relations between the peoples of Indonesia and East Timor.

The members of the Security Council share your belief that the United Nations has its role to play in this process in order to help safeguard the rights of the people of East Timor, promote reconciliation and ensure future social and political stability. The members of the Council welcome your intention to assist in this effort. In this regard, they encourage you to consult with the Government of Indonesia on any assistance it may need from the United Nations in taking this process forward.

The members of the Security Council would be grateful if you could inform the Council on further developments in order to assist its consideration of the situation in East Timor.

(Signed) Arnaldo Manuel LISTRE
President of the Security Council



Security Council

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S/2000/138
21 February 2000

ORIGINAL: ENGLISH

LETTER DATED 21 FEBRUARY 2000 FROM THE PERMANENT
REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instruction from my Government, I have the honour to transmit herewith the text of a statement issued on 15 February 2000 by the Ministry of Foreign Affairs of the Republic of Azerbaijan (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Eldar KOULIEV
Permanent Representative



Annex

Statement issued on 15 February 2000 by the Ministry of Foreign
Affairs of the Republic of Azerbaijan

[Original: Russian]

According to a report by the Interfax news agency dated 10 February 2000, the "prime minister" of the so-called "Nagorny Karabakh republic", Mr. A. Danielyan, on 11 February 2000 began a "business visit" to several Western European countries. The visit was arranged at the invitation of businessmen from Italy, Switzerland and Hungary. According to the agency's report, the purpose of the visit is to encourage a number of European companies to invest in Nagorny Karabakh's economy for its development, present a programme for the development of the agro-industrial complex and mining industry and the promotion of tourism in Nagorny Karabakh, and attempt to establish joint enterprises.

In this connection, the Ministry of Foreign Affairs of Azerbaijan, appealing to the Governments and business and financial circles of all countries, states that, as a result of Armenia's military aggression against Azerbaijan, 20 per cent of Azerbaijani territory, including the Nagorny Karabakh region, has been occupied by the Armenian armed forces. Those territories have been subjected to ethnic cleansing, as a result of which over 1 million Azerbaijanis were forcibly expelled from their homes and have become refugees and displaced persons in their own country. Armenia, which seized power in the Nagorny Karabakh region of Azerbaijan, and the illegitimate regime that it established about 10 years ago, grossly violating international legal norms, continue to dictate their will to the international community. During these years, the aggressors caused US\$ 22 billion in damages to the economy of Azerbaijan, and monuments of Azerbaijani history and culture in the region have been brutally destroyed and plundered.

The Armenian authorities have recently been attempting to take steps to strengthen the consequences of the military occupation through economic means, by bringing the separatist regime out of its political and economic isolation and deep political and socio-economic crisis. Thus, the leaders of the so-called "Nagorny Karabakh republic" have announced their Programme for the Rehabilitation and Development of Nagorny Karabakh and are seeking, through this "programme", to attract investors to the occupied territories. This programme, which the Armenian side, having carried out its policy of ethnic cleansing and looting in the region, is trying to implement, is nothing less than a crude and violent attempt to commit yet another violation of Azerbaijan's sovereignty, territorial integrity and economic security.

Azerbaijan is vitally interested in normalizing life in the region and in its comprehensive economic development. At the same time, such development will be possible only after a just and consistent settlement of the conflict between Armenia and Azerbaijan and the achievement of the sides' complete agreement on peace, that is, the elimination of the principal consequences of the conflict. First and foremost, the occupied territories must be freed, all refugees and

displaced persons must return to their homes and the region's severed communications must be restored. The World Bank, the European Union and other influential international organizations have already expressed their readiness to make large-scale investments in the region, but only after the consequences of the occupation have been eliminated and peace has been achieved.

Over the past year, there have been some prospects for a peaceful settlement of the problem. In 1999 and 2000, the Presidents of Azerbaijan and Armenia have been holding talks with a view to solving the problem through peaceful means and on the basis of mutual compromises. At their last meeting in Davos, Switzerland, they decided to continue the talks.

In the current circumstances, any form of cooperation with representatives of the illegitimate regime and the conduct in an inalienable part of Azerbaijan - the Nagorny Karabakh region - of any activities that contravene the laws of Azerbaijan, is a serious blow to the fragile peace that is being observed as a result of the intensive efforts of the sides.

The Ministry of Foreign Affairs states that the Azerbaijani side views the establishment by representatives of any country or international economic and financial organizations of military, political or economic ties with the Nagorny Karabakh region of Azerbaijan before a peace agreement is reached as a violation of inter-State, intergovernmental and other bilateral agreements with Azerbaijan, considers this to be blatant interference in its internal affairs and calls upon all States and organizations not to undertake such disloyal measures, which are inconsistent with international legal norms. Otherwise, such measures may seriously damage ties between Azerbaijan and countries and organizations that provide any kind of support to the separatist regime.



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21 February 2000

ORIGINAL: ENGLISH

LETTER DATED 18 FEBRUARY 2000 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to bring to your attention violations of the airspace of the Federal Republic of Yugoslavia by the North Atlantic Treaty Organization (NATO) through the unnotified presence of its military aircraft in civilian corridors above the south-eastern Adriatic, contrary to relevant international norms and to the ensuing threats to flight safety.

On 26 January 2000, a day before the resumption of international traffic through the airspace of the Federal Republic of Yugoslavia, the Federal Air Traffic Control Authority received a request from the European regional bureau of the International Civil Aviation Organization (ICAO), filed by NATO, to make public the information on the establishment of NATO zones above international waters in the part of the space covered by the Belgrade area flight control authority. It was requested that the establishment of five zones above the international waters of the Adriatic Sea and one above the territory of the Federal Republic of Yugoslavia, extending in the direction north-west to south-east, from the Dubrovnik hinterland over Boka Kotorska, Budva and Ulcinj to the western part of Albania, 10 kilometres in width, be made public prior to 27 January. The zone is called "Sentinel Flare". It was stated in the ICAO request that the zones would be activated by way of urgent notifications 48 hours in advance, as provided for by international regulations. The activation of one zone will imply a simultaneous activation of the others. It was specified that urgent notifications relative to the activation of zones would be handled by one of a number of NATO countries participating in the activities.

Following the resumption of air traffic above the Federal Republic of Yugoslavia and the Balkans on 27 January, two cases of threats to flight safety have been registered.

The first case took place on 10 February. The captain of an Adria Airways plane en route to Tirana from Ljubljana reported the presence of another aircraft in his immediate vicinity in the airspace above Budva at an altitude of 8,200 metres about which the area's air traffic control had no information. Subsequent questioning of the Zagreb area air traffic control revealed that a



NATO aircraft had entered, without approval, the airspace, without having made a prior reservation. In addition to violating the airspace of the Federal Republic of Yugoslavia, the NATO aircraft violated the valid international regulations relative to the activation of zones for special activities in a most flagrant way, which could have resulted in much more serious consequences.

The second case took place on 14 February. The Belgrade area air traffic control noted on its radar screen a number of aircraft around point Konuv, 18 kilometres south-east of Dubrovnik. These unnotified activities of NATO aircraft were also confirmed by the pilot of a Cyprus Airways plane en route to Larnaka from London, flying at an altitude of 11,200 metres in the airspace covered by the Belgrade area air traffic control. The Cyprus Airways plane activated the mechanism for detecting other aircraft in the immediate vicinity and at an insufficient vertical distance (less than 300 metres). The unnotified NATO activities caused a threat to the safety of that commercial flight as well.

Following the report of the Cyprus Airways pilot, filed at 2.32 p.m., the Federal Air Traffic Control Authority issued an urgent notification closing the entire airspace south-west of Podgorica from sea level up to 14,000 metres and restricting flights in the area above the Tivat airport in order to prevent further threats to flight safety. The restriction related to civilian aircraft, which in practical terms meant the closing of the airport to commercial flights.

Parallel to the issuance of the urgent notification, the Federal Air Traffic Control Authority sent a letter to the ICAO European regional bureau advising it of the said problems and recalling its obligation to coordinate with NATO in order to enable a speedy lifting of the above-mentioned restrictions. The Federal Air Traffic Control Authority also advised that the said urgent notification would be in force 48 hours and that it could be extended pending the results of the ICAO-NATO coordination effort. In its letter, the Federal Authority pointed out that all users of the said airspace must abide by international regulations so as to avoid unwanted consequences and to achieve maximum flexibility in its use and a requisite level of flight safety.

In his reply of 2 February, the ICAO regional director advised the Federal Air Traffic Control Authority that he would take steps with NATO aimed at eliminating the need for future restrictions. If, however, NATO were to continue the above-mentioned practices which would necessarily lead to the closure of the airspace of the Federal Republic of Yugoslavia, the confidence of air carriers in the integrity of that airspace would be shattered, which could lead them to look for alternative routes, even at a time when restrictions were not in force. This would hamper the efforts of the Federal Republic of Yugoslavia and international air organizations to fully normalize the air traffic in the region.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.



Security Council

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GENERAL

S/2000/140
22 February 2000

ORIGINAL: ENGLISH

LETTER DATED 21 FEBRUARY 2000 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to draw your attention to a new dramatic deterioration of the situation in Kosovska Mitrovica, a town in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia.

Several thousands of ethnic Albanians from Kosovska Mitrovica, led by terrorists of the so-called "Kosovo Liberation Army" ("KLA"), tried to cross the Ibar river bridge today into the northern part of the city populated mainly by the Serbs. Meanwhile, many more thousands of ethnic Albanians left Pristina for Kosovska Mitrovica to join them.

It is obvious that a concentrated attack has been planned to drive Serbs, Montenegrins, Goranci, Slav Muslims and Turks out of Kosovska Mitrovica, the only remaining multi-ethnic and multi-religious community in Kosovo and Metohija and complete the process of the ethnic cleansing of non-Albanians who now live in isolated enclaves in this Serbian province.

In my letters of 13 January 2000 (S/2000/19), 14 January 2000 (S/2000/25), 19 January 2000 (S/2000/41), 3 February 2000 (S/2000/86), 11 February 2000 (S/2000/110) and 13 February 2000 (S/2000/111), I conveyed to the Security Council the concern of the Federal Republic of Yugoslavia at the failure of the Kosovo Force (KFOR) and the United Nations Interim Administration in Kosovo (UNMIK) to carry out their obligations under Security Council resolution 1244 (1999) of 10 June 2000 and the Military-Technical Agreement and called on it to take urgent and resolute measures to prevent a further aggravation of the already difficult situation. However, notwithstanding the fact that the majority of Serbs and other non-Albanians have already been expelled from Kosovo and Metohija, most of them in the presence of the international presences, KFOR and UNMIK have not only done nothing to put an end to ethnic Albanian terror and vandalism, calculated to intimidate Serbs and other non-Albanians and force them to leave the province, but have often been accomplices in these nefarious practices.

The latest deterioration of the situation has been brought about by the unbecoming, uncalled-for and arrogant behaviour of KFOR towards Serbs in



Kosovska Mitrovica on 20 February 2000. Under the pretext of looking for hidden arms that the Serbs had allegedly refused to hand over to KFOR, American and German soldiers ransacked Serbian houses, apartments, shops, schools, students' dormitories, even children's clinics and Red Cross warehouses. Particularly brutal were the American members of KFOR: they broke doors, school benches and lockers, they even vandalized a lab. There were ethnic Albanians among them, allegedly as guides or translators. This brutality proved entirely fruitless, except for the havoc and enormous material damage left in its train.

The raid had been pre-planned. Two hundred and fifty (250) American members of KFOR came over from the Gnjilane area with a number of ethnic Albanians among them whom local residents recognized in American uniforms. A number of Albanian-language and foreign TV crews also came over from Pristina. All along, flyers in Serbian were thrown from a helicopter, calling on Serbs to hand over arms.

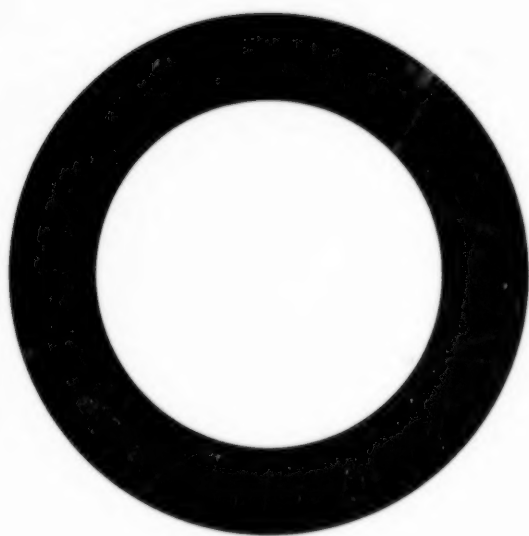
The most recent mistreatment of about 4,500 Serbs in Kosovska Mitrovica is yet another example of KFOR's policy of double standards, aimed at intimidating the remaining Serbs and driving them out of Kosovo and Metohija. The pretext of allegedly collecting illegal arms is a callous exercise in hypocrisy. This all the more so as the security of disarmed Serbs depends entirely on the protection of KFOR and UNMIK, which have failed miserably to carry out that obligation.

On the other hand, KFOR and UNMIK have not carried out the key provision of Security Council resolution 1244 (1999) and the Military-Technical Agreement to demilitarize and disarm "KLA" terrorists. Under the protection of KFOR and UNMIK, they continue to arm themselves and carry out terrorist acts without impunity in wanton disregard of Security Council resolution 1160 (1998) of 31 March 1998, while their leaders claim that the so-called "Kosovo Protection Corps" ("KPC") is an embryo of a future ethnic Albanian army in Kosovo and Metohija. Since the deployment of KFOR and UNMIK in mid-June 1999, terror and violence in Kosovo and Metohija have increased 11-fold: 4,249 terrorist attacks have been committed mainly against the Serbs and other non-Albanians, in which 889 persons have been killed, 784 wounded and 834 abducted. Ethnic Albanian terrorist separatists have also destroyed thousands of Serbian homes, 82 Orthodox churches and monasteries, as well as a large number of monuments to stalwarts of Serbian culture and history.

Following the recent deterioration of the situation in Kosovska Mitrovica, I have been instructed by my Government to lodge the strongest protest and to request the Security Council to take urgent measures to normalize the situation in that town, as well as to put an immediate end to ethnic Albanian terror and vandalism and to prevent the lynchings and liquidations of Serbs and other non-Albanians, which could result in unforeseeable consequences.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.





Security Council

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S/2000/141
22 February 2000
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LETTER DATED 21 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by the Iranian side between 20 November 1999 and 14 February 2000, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative



Annex

Iranian violations of the ceasefire and the 1991 Tehran agreement,
20 November 1999-14 February 2000

1. 20 November 1999

An Iranian patrol seized launch No. 195/Basrah, owned by Ghazi Khalaf, and arrested the seamen listed hereunder while they were fishing near Mina' al-Bakr. They and the launch were taken to the port of Bandar Abu Shahr in Iran, and they were detained at the Iranian Diz police station for 16 days before being released on 8 December 1999. They were: Sabah Ghazi Khalaf; Isa Abd al-Razzaq Taha; Isa Jasim; Adnan Najm Abd Allah; Ali Husayn Fakhir; Abd al-Zahrah Ghafil; Talib Abd al-Husayn; and Ali Salman Faysal.

2. 5 January 2000

At 1900 hours three late-model Landcruiser pick-up vehicles entered from the Iranian side by way of the Ayn al-Abd post at coordinates 245471 (Wadi Dirmani) moving towards Shihabi. At 2200 hours it returned to the Iranian rear by the same route.

3. 14 January 2000

At 2300 hours the United Arab Emirates tanker Victoria was subjected to an act of piracy by Iranian boats at coordinates 2944.7 north latitude and 4850.0 east longitude. A crew armed with assault rifles and handguns boarded the vessel and directed random fire as follows: in the wheelhouse the windscreens were broken and more than 25 rounds are estimated to have been fired; the port and starboard lifeboats were hit by more than six rounds; the chief officer's cabin was penetrated by two rounds; the second officer's cabin was penetrated by one round; the funnel was hit by more than six rounds; the battery housing was hit by two rounds; and the side of the tanker was hit by more than 60 rounds. No injuries were suffered by the members of the tanker's crew, all of whom were Iraqis. It should be noted that the tanker was inside Iraqi territorial waters and that this was the second attack on it by Iranian elements.

4. 24 January 2000

At 0900 hours the Iranian side proceeded to erect a metal tower at coordinates 8436 (1:100,000 map of Baydah) opposite the Iraqi units. The work is still under way.

5. 24 January 2000

At 1800 hours the Iranian side placed three soldiers in each of the forward monitoring posts opposite the Qat'ah area at coordinates 289678, 286666 and 303624 and opposite Shayhan at coordinates 311582 and 318572. At 0600 hours on 25 January 2000 the soldiers withdrew from the posts.

6. 26 January 2000

At 1030 hours two Iranian helicopters were seen hovering inside Iranian territory opposite the Iraqi units at coordinates 5528. At 1100 hours the same two helicopters were seen in the sector, and at 1145 hours they returned to the Iranian rear.

7. 27 January 2000

At 1000 hours an Iranian helicopter was seen hovering over the border strip opposite the Iraqi units at coordinates 8009. At 1010 hours it returned to the Iranian rear.

8. 27 January 2000

The Iranian side continued its reed-burning activities along the Iranian shore between the area opposite Shayhan at coordinates 328569 and the Abadan area at coordinates 397573 (1:100,000 map of Saybah). The burning continued from 0900 hours until 1800 hours.

9. 28 January 2000

At 0930 hours five vehicles of a type used by civilian establishments and carrying a number of persons accompanied by a man in a turban approached in order to visit the monument on the shore opposite Faw at coordinates 370226 (1:100,000 map of Faw). At 1030 hours the vehicles withdrew from the area and headed towards the Iranian rear carrying the same persons.

10. 28 January 2000

At 1200 hours a civilian commercial vehicle and a Landcruiser vehicle carrying a number of persons approached in order to visit the monument opposite Faw city. At 1530 hours the two vehicles withdrew to the Iranian rear.

11. 28 January 2000

At 1100 hours three civilian commercial vehicles carrying a number of persons approached to visit the monument opposite Faw city. At 1200 hours the vehicles withdrew to the Iranian rear.

12. 29 January 2000

At 1600 hours a helicopter was seen inside Iranian territory flying over the Iranian units in the Mehran sector.

13. 29 January 2000

At 1030 hours a helicopter was seen landing at the Iranian post opposite the Kirmashiyah post at coordinates 1046. It then flew inside Iranian territory opposite the Iraqi Ziyadi post at coordinates 1647.

14. 31 January 2000

At 0800 hours the Iranian side proceeded to burn the reeds opposite the Fada'iyah area at coordinates 451505 (1:100,000 map of Saybah).

15. 31 January 2000

At 0800 hours an Iranian engineering unit began work on completing the metal structures located along the Iranian shore of the Shatt al-Arab between the area opposite Duwayb at coordinates 448507 and the Iranian Khosrowabad area at coordinates 517413 (1:100,000 map of Saybah). The work consists of painting the structures green and welding any damaged parts.

16. 31 January 2000

At 1200 hours an Iranian helicopter was seen flying inside Iranian airspace over the Muhammarah area. It continued to fly on for five minutes and then withdrew to the Iranian rear.

17. 1 February 2000

At 1100 hours the Iranian side opened a new monitoring post at coordinates 5839 (1:100,000 map of Mandali). It is manned by three or four persons with light weapons and a PKC medium machine-gun.

18. 1 February 2000

At 1630 hours two Iranian soldiers from the Iranian guard post at coordinates 9965 approached to within 150 metres of the Arafat post at coordinates 9765. They fired 10 rounds at the post from a GC half-stock assault rifle, and at 1645 hours they returned to their own guard post.

19. 2 February 2000

At 1400 hours a helicopter was seen flying over the Ayn al-Ghazlani post at coordinates 7823 and coming from the Iranian rear over the border strip opposite the Hilah post at coordinates 7818. At 1410 hours it returned to the Iranian rear.

20. 2 February 2000

At 1930 hours two Landcruiser vehicles, one khaki-coloured and the other mottled, were seen carrying a number of persons in military dress. They came to a halt at coordinates 7221 and the occupants proceeded to observe our units for a short time before returning to the Iranian rear.

21. 2 February 2000

At 1400 hours a khaki-coloured Iranian helicopter was seen coming from the Fakkah sector towards the Halfayah post at coordinates 6814, flying at an altitude of 300 metres and at a distance of 700 metres from the border strip. At 1425 hours it returned to the Iranian rear.

22. 3 February 2000

At 1300 hours the Iranian engineering unit began work on completing the metal structures located opposite the Ma'amir area at coordinates 549275 (1:100,000 map of Saybah), painting them green. The unit consisted of five persons wearing blue overalls and a small pontoon towed by a small boat with a 48-horse-power motor.

23. 3 February 2000

At 0930 hours a khaki-coloured Iranian helicopter was seen coming from the Iranian rear and landing at coordinates 5151 near the Fakkah post. At 1000 hours it took off and headed towards the Saddam post flying parallel to the border strip. From there it headed towards the Iranian rear.

24. 3 February 2000

At 1530 hours a khaki-coloured Iranian helicopter was seen coming from the Iranian rear towards the Shaykh Faris area at coordinates 5151. It then changed direction, flying along the border strip towards the Saddam post at coordinates 4256. It then returned to the Iranian rear.

25. 4 February 2000

At 1130 hours a khaki-coloured Iranian helicopter was seen at an altitude of 30 metres coming from coordinates 5739 towards coordinates 5234, Zorbatiyah at coordinates 3045, and coordinates 3230, flying parallel to the border strip. It then returned to the Iranian rear.

26. 4 February 2000

At 1400 hours three khaki-coloured Iranian helicopters were seen coming from the Iranian rear towards Mehran city and landing at coordinates 083622. At 1430 hours they left for an area north of Mehran.

27. 8 February 2000

At 1600 hours the Iranian side pitched two 180-pound tents at coordinates 3093 opposite the Tib post. They were occupied by six persons armed with Kalashnikov assault rifles.

28. 9 February 2000

At 1530 hours a khaki-coloured Iranian helicopter was seen coming from the Iranian rear opposite the Jallat post at coordinates 8312. It headed towards coordinates 7615 and then back inside Iranian territory.

29. 9 February 2000

At 1300 hours an Iranian helicopter was seen coming from the north flying parallel to the border strip inside Iranian territory. It then headed towards Sumar.

30. 9 February 2000

At 1500 hours the Iranian side pitched two tents opposite the Fada'iyah post at coordinates 520412 (1:100,000 map of Saybah). To the right of the tents are three defensive positions, and there are two positions to the left. The positions are occupied, each by four persons armed with GC assault rifles, from 1800 hours until 0600 hours on the next day.

31. 9 February 2000

At 1600 hours a helicopter was seen over Iranian territory opposite the Salah al-Din post while heading towards the Iranian Miyah Tanak post opposite the Haran post. It then returned inside Iranian territory.

32. 10 February 2000

At 0715 hours the Iranian side fired six 82-mm mortar rounds that fell on our units at coordinates 6917 on the shore of Hawr al-Murays.

33. 10 February 2000

At 0930 hours sounds of light-, medium- and heavy-weapons fire were heard from the area opposite the Darraji post at coordinates 103718 (1:100,000 map of Zorbatiyah). The detonations continued until 1100 hours.

34. 11 February 2000

At 1125 hours the Iranian side fired 12 launcher-type rockets that fell opposite our units in the Shihabi area (Mulla Nafi' village) at coordinates 4635. There were no losses.

35. 11 February 2000

At 1300 hours the Iranian side fired seven Katyusha launcher-type rockets that impacted in the area between Za'faran and Kharinah at coordinates 4833 opposite our units.

36. 12 February 2000

At 1400 hours two khaki-coloured helicopters were seen coming from the Darraji post at coordinates 1071 (1:100,000 map of Zorbatiyah) towards the Muhammad al-Qasim post at coordinates 160. They reconnoitred the sector along the border strip and then landed in Mehran city. They later returned to the Iranian rear by the same route.

37. 12 February 2000

38. 13 February 2000

At 1300 hours the Iranian side pitched a 180-pound tent at coordinates S348 opposite our units. It was occupied by eight soldiers armed with light and medium weapons.

39. 14 February 2000

The Iranian side fired three launcher-type rockets that impacted in the Rashidah area at coordinates 4834, Amarah sector.



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LETTER DATED 22 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Day after day, the United States and the United Kingdom steadfastly pursue their hostile and barbarous policy against the people of Iraq. One of the manifestations of this reckless policy is the placing on hold of contracts for humanitarian items for reasons that are unlawful and illogical, so that the total value of contracts on hold increased from \$500 million to \$1,762 million between 19 August 1999 and 18 February 2000.

The representatives of the United States and the United Kingdom in the Security Council are trying to "sell" this hostile policy against Iraq and its people by claiming that they are placing contracts for humanitarian items on hold in defence of the values of the international community and the resolutions of the Security Council. They have, indeed, taken their arrogance to such extremes as to claim that the other 13 members of the Security Council that do not place holds on humanitarian contracts are failing in their duty. The representative of the United Kingdom intimated as much in the Security Council consultations held on 7 February 2000.

In order to elucidate for the members of the Security Council and for the international community the facts concerning the actions of the representatives of the United States and the United Kingdom in the Security Council and in the Committee established by resolution 661 (1990) we should like to make the following observations.

Security Council resolution 986 (1995), the memorandum of understanding of 20 May 1996 between Iraq and the United Nations (S/1996/356, annex I), the procedures adopted by the Committee established by resolution 661 (1990) (S/1996/636) and the Committee's decision of 30 January 1998 on refining and clarifying its working procedures (S/1998/92, annex) all affirm that responsibility for ascertaining that contracts are in proper form and in compliance with the memorandum of understanding, the distribution plan, the procedures of the Committee and the requirements of resolution 1051 (1998), concerning dual-use items, lies with the Secretariat of the United Nations as represented by the Office of the Iraq Programme. Paragraph 33 of the Committee's procedures (S/1996/636) reads as follows:

"Experts in the Secretariat examine each contract, in particular the details of price and value, and whether the items to be exported are on the categorized list referred to above. They will also take into consideration the reports of the Secretary-General provided for in paragraph 20 above, in order to check availability of funds in the Iraq account for the contract. They will inform the Committee of their findings."

In accordance with this mandate, when the Iraq Programme submits contracts to the Committee for its approval, it means that the Programme has ascertained that the contracts are in order. The Programme also indicates, when submitting contracts, whether or not the contract items are included in the annexes mentioned in resolution 1051 (1996) (dual-use items). This reference is made only as a reminder, because the Iraq Programme is required under the memorandum of understanding to monitor the delivery of all items in order to ascertain that they are actually being utilized for the purpose for which they were authorized. The note dated 22 October 1999 addressed to the Secretary-General by the Executive Director of the Iraq Programme (S/1999/1086, annex) states as follows:

"... we have sought to deploy the United Nations observers in Iraq in such a way as to provide, to the extent possible, the required assurances to the Committee that all supplies authorized for procurement, including potential dual-use items, are indeed utilized for the purpose for which they have been authorized."

Since the Programme first went into operation in December 1996, the periodic reports of the Secretary-General on its implementation have confirmed that Programme monitors have carried out hundreds of thousands of field visits in order to verify that all of the items procured under the Programme have been distributed in an equitable manner and have been utilized for the purpose for which they were imported. The most recent of these reports is that of 22 November 1999 (S/1999/1162), paragraph 33 of which states as follows:

"During the reporting period, the Geographical Observation Unit conducted 5,759 observation visits, covering all sectors of the Programme throughout the country. ... Observers from the World Food Programme (WFP) made 79,120 visits during the reporting period, ..."

No report of the Secretary-General has ever indicated that any imported items have been utilized for any purpose other than that for which they were authorized.

The foregoing textual references confirm the fact that pretexts such as "dual-use", "non-compliance of items with the distribution plan", "need to identify the end-use or end-user", "request for the technical specifications of items" or "unclear contract submission form" are null and void and have no legal basis. They are no more than a crude cover for the placing of contracts on hold for political reasons. In placing holds on humanitarian contracts, the United States and the United Kingdom are seeking not, as they claim, to promote the United Nations or advance the interests of the international community but rather to persevere in avenging themselves on an entire people and in preventing it from using its own resources to secure medicine, food and the other

humanitarian items that are needed in order to repair the infrastructure destroyed by United States and British aircraft and missiles.

Some examples of the United States and British practice of placing contracts on hold on false pretexts are given hereunder.

1. The United Kingdom placed holds on contracts 00430 and 00157, both oil-sector contracts intended for the rehabilitation of the installations at Mina' Khawr al-Amayyah. It claimed that Saybolt, the company monitoring oil exports, had stated that the installations at the port were not in need of rehabilitation. Although Saybolt denied the statement attributed to it by the United Kingdom and addressed a number of letters to the Committee in that regard, the United Kingdom representative continued to keep the two contracts on hold.

2. In early February 2000, the Iraq Programme submitted the following contracts: 601334 (trucks for the Ministry of Trade); 601355 (water purification equipment); 601360 (electricity generators); and 601383 (spare parts for the water and sanitation sector). In submitting the four contracts, the Iraq Programme stated that they did not include any items listed in the annexes mentioned in resolution 1051 (1996). The United States nevertheless placed the contracts on hold on grounds of "dual use".

3. The United States placed a hold on contract 600787, for the importation of 15 live bulls, on grounds of "dual use". When Iraq protested, the United States went on to claim that the 60 doses of various vaccines that accompanied the shipment are of dual use, although this is not the case. The fact of the matter is that, because of the change of environment and the need for animals to be immunized, international agreements do not permit the transportation of animals from one country to another unless vaccines are sent with them so that they can be vaccinated on arrival in the country of destination. This contract is still on hold.

4. Although the Iraq Programme submitted contracts 601391, 630641 and 630636 to the Committee with the indication that they did not involve any items listed in the annexes to which reference is made in resolution 1051 (1996), the United States placed them on hold on the grounds that some of the items concerned were of dual use. Similarly, the United Kingdom placed on hold contracts 601386 and 600748 on the grounds that the items in question were of dual use and were included in the same annexes, while the Iraq Programme had submitted them with the assurance that the contract items did not include any that were on the relevant lists.

The contracts mentioned above are but examples of the 1,129 contracts pertaining to phases IV, V and VI of the oil-for-food programme that have been placed on hold by the United States and the United Kingdom for political reasons. That the United States should continue to place contracts for humanitarian items on hold without objection and with the Secretariat remaining silent at such conduct, despite the fact that it violates the Secretariat's mandate and shows contempt for its authority, does indeed indicate that there is a serious flaw that must be rectified, particularly since this coincides with

resignations of the United Nations Coordinator in Iraq and the Iraq representative of the World Food Programme give definite and unequivocal expression to the fact that the oil-for-food programme does not meet the minimum basic needs of the people of Iraq. There is thus no alternative to the complete elimination of the unjust embargo that has been maintained against Iraq for the past 10 years. When two successive officials in charge of the Programme submit their resignations, the correct inferences must be drawn from this fact. If the United Nations wishes to preserve a minimum of credibility, then it must halt the blatant interference of the United States in all aspects, large and small, of its work. Otherwise, the assertion made to the Security Council by the Chairman of the United States Senate Committee on Foreign Relations on 20 January 2000 that the United Nations must serve the American people "as an effective tool of diplomacy" will become an established fact.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative
